

INTRODUCTION

The Juvenile Court Procedural Rules Committee is eliciting public comment on proposed modifications to Rules 1120, 1210, 1240, 1242, 1330, 1408, 1409, 1512, 1514, 1515, 1608, and 1609 and adoption of new Rule 1149 before it considers any recommendations to the Supreme Court of Pennsylvania. These proposed modifications and additions address family finding.

The Committee requests that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel, Christine Riscili at juvenilerules@pacourts.us. Email is the preferred method for receiving comments in an effort to conserve paper and expedite the distribution of comments to the Committee. Emailed comments need not be reproduced and sent via hard copy. The Committee will acknowledge receipt of your comment.

For those who do not have access to email, comments may be faxed to the Committee at 717-231-9541 or written comments may be mailed to:

Christine Riscili, Esq.
Supreme Court of Pennsylvania
Juvenile Court Procedural Rules Committee
Pennsylvania Judicial Center
601 Commonwealth Ave, Suite 6200
P.O. Box 62635
Harrisburg, PA 17106-2635.

All comments shall be received no later than Monday, December 2, 2013.

10/22/2013

BY THE JUVENILE COURT PROCEDURAL RULES
COMMITTEE:



Honorable Todd A. Hoover, Chair



Christine Riscili
Counsel

EXPLANATORY REPORT

The Juvenile Court Procedural Rules Committee (Committee) is seeking public comment on amendments to Rules 1120, 1210, 1240, 1242, 1330, 1408, 1409, 1512, 1514, 1515, 1608, and 1609 and adoption of new Rule 1149.

With the adoption of Act 55 of 2013 (P.L. 169, No. 25), the county agency is required to perform family finding on an ongoing basis in every case. These rule modifications and additions reflect these requirements and ensure the court is inquiring about family finding at each proceeding and making necessary orders to ensure compliance.

Rule 1120

Diligent Efforts, Family Finding, Kin, and Kinship Care have been defined to add the practitioner in understanding their usage throughout the Rules.

The definition of “Family Finding,” is derived from 62 P.S. § 1302.

The *Comment* to the rule gives examples of resources that may be utilized when performing diligent family finding searches. Counties should be creative when performing searches. Basis computer searches and attempting to contact relatives at last known addresses are insufficient as diligent family finding searches.

Rule 1149

This new rule sets forth the basic requirements of family finding. The court must inquire at each hearing whether the county agency has complied with the family finding requirements and whether it has been reasonably engaged in family finding. See paragraphs (A) & (B).

Efforts made by the county agency should include whether it has or is currently searching and finding adult relatives and kin; identifying and building positive connections between the child and the child’s relatives and kin; when appropriate, supporting the engagement of relatives and kin in social service planning and delivery of services, and creating a network of extended family support to assist in remedying the concerns that lead the child to be involved with the county agency; when possible, maintaining family connections; and when in the best interests of the child and when possible, keeping siblings together in care.

Paragraph (C) sets forth the requirements for discontinuing family finding and paragraph (D) provides when family finding should be resumed. See 62

P.S. § 1301 *et seq.*

Rule 1210

Prior to the initial removal of the child from the home, it is important to ask whether the county agency has engaged in family finding. Reducing the initial trauma of removal from the home can be alleviated if there is an opportunity to place with family or kin when removal is necessary.

The county agency should be prepared to make a showing of its initial family findings efforts before the child is taken into protective custody.

Pursuant to paragraph (D), the court must place its findings and orders as to family finding in its court order for protective custody.

Rules 1242, 1408, 1409, 1512, 1514, 1515, 1608 & 1609

The county agency is required to report its diligent family findings efforts at each hearing. The court must make findings as to the county agency's reports to ensure family finding is occurring. If family finding efforts are not reasonable, the court must make necessary orders to ensure compliance.

Rule 1330

The petition must include an averment specifically detailing the efforts made by the county agency regarding family findings. Paragraphs (B)(6)(a) & (b) require averments addressing reasonable efforts made to prevent placement, including family finding efforts, and why there are no less restrictive alternatives available.

Rule 1514 & 1608

With Act 115 of 2010 (P.L. 1140, No. 115), the court is required to make a determination that if a sibling of a child has been removed from the home and is in a different setting than the child, whether reasonable efforts have been made to place the child and the sibling of the child together or whether such joint placement is contrary to the safety and well-being of the child or sibling.

If the siblings are not placed together, the court is to order visitation no less than twice a month unless a finding is made that visitation is contrary to the safety of well-being of the child or sibling.